

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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BRUCE THOMAS,

Plaintiff,

v.

Civil Action No.  
9:09-cv-548 (GLS/DEP)

Dr. DOUGLAS, Orleans Correctional  
Facility; Dr. T. HOWARD, Marcy  
Correctional Facility; and Dr. M. CROOK,  
Mt. McGregor Correctional Facility,

Defendants.

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APPEARANCES:

OF COUNSEL:

**FOR THE PLAINTIFF:**

BRUCE THOMAS  
Plaintiff, *Pro Se*  
P.O. Box 114  
Buffalo, New York 14240

**FOR THE DEFENDANT:**

HON. ANDREW M. CUOMO  
Attorney General of the  
State of New York  
The Capitol  
Albany, New York 12224-0341

ADELE TAYLOR-SCOTT, ESQ.  
Assistant Attorney General

GARY L. SHARPE,  
U.S. DISTRICT JUDGE

**ORDER**

The above-captioned matter comes to this court following an Report-Recommendation by Magistrate Judge David E. Peebles, duly filed August 12, 2010. Following ten days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed, and the court having reviewed the Magistrate Judge's Report-Recommendation for clear error, it is hereby

ORDERED, that the Report-Recommendation of Magistrate Judge David E. Peebles filed August 12, 2010 (Dkt. No. 24) is ACCEPTED in its entirety for the reasons state therein, and it is further

ORDERED, that the defendants' motion to dismiss (Dkt. No. 20) is GRANTED, and that plaintiff's complaint is dismissed as against the remaining defendants, with leave to replead; and it is further

ORDERED that if Thomas wishes to proceed with this action, he must file an amended complaint as directed with the report-recommendation **within thirty (30) days** from the date of the filing of this Order. The Clerk is directed to send Thomas a blank § 1983 complaint form and a copy of his original complaint for use in preparing an amended complaint; and it is further

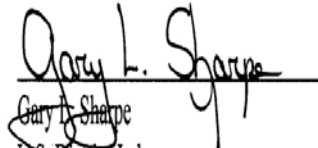
ORDERED that upon the filing of Thomas' amended complaint this matter be returned to the Court for further review; and it is further

ORDERED that in the event Thomas fails to file a signed amended complaint **within thirty (30) days** from the date of the filing of this Order, the Clerk enter judgment dismissing this action pursuant to 28 U.S.C. § 1915(e) and due to Thomas' failure to comply with the terms of this Order, without prejudice and without further order of this Court; and it is further

ORDERED, that the Clerk of the court serve a copy of this order upon the parties in accordance with this court's local rules.

IT IS SO ORDERED.

Dated: September 16, 2010  
Albany, New York

  
Gary L. Sharpe  
U.S. District Judge